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HDP/SB/21 based on PTO/SB/21 (08-00)

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3671

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/560,612
Filing Date	June 7, 2006
Inventor(s)	Etienne CLYMANS
Group Art Unit	3671
Examiner Name	M. Nguyen
Attorney Docket Number	5100-000028/US

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims)  <input type="checkbox"/> Appeal Communication to Group (Notice of Appeal, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Statement Under 37 C.F.R. 1.133(b)</b>		
<table><tr><td>Remarks</td><td></td></tr></table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Donald J. Daley	Reg. No. 34,313
Signature			
Date	January 22, 2009		



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/560,612                      Group Art Unit: 3671  
Filing Date: June 7, 2007                      Examiner: M. Nguyen  
Applicant: Etienne CLYMANS  
Title: DEVICE AND METHOD FOR DISLODGING AND RECOVERING  
DREDGING MATERIAL OF VARYING NATURES  
Attorney Docket: 5100-000028/US

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January 22, 2009

**Statement Under 37 C.F.R. §1.133(b)**

Sir:

In response to the telephonic interview conducted January 15, 2009, Applicant wishes to thank the Examiner's supervisor for the courtesies extended during the interview. In the interview, the Examiner's supervisor and Applicant representative discussed the Nonresponsive Amendment Notice dated January 6, 2009. The Examiner's supervisor indicated that the independent claim 1 limitation "said number of cutter heads being alternatively mountable" could be interpreted to have more than one meaning, and the Examiner's supervisor therefore requested that the claim language be further limited to clarify any ambiguity. The Examiner's supervisor also indicated that dependent claim 9 recites a step of selecting from a number of cutter heads of different diameter, though a set of cutter heads was already recited in independent claim 1 and the relationship between the cutter head diameters in claim

1 is unclear. Applicant asserts that the limitation of claim 1 reciting "said number of cutter heads being alternatively mountable" may be broad, but it is not improper. Furthermore, claim 1 does describe a relationship between the number of cutter heads and their respective support ring diameters, as claim 1 states that the diameters of the recited "number of cutter heads" is simply "different." Applicant further submits that dependent claim 9 recites, in essence, that the selection of a cutter for harder material has a "smaller diameter," as compared to the other cutter heads.

Applicant asserts that while the language of independent claim 1 and dependent claim 9 may be broad, the recited claims are certainly not Nonresponsive. For at least this reason, Applicant asserts that the September 11, 2008 Amendment is fully responsive, and Applicant therefore looks forward to the Examiner's next Office Action and/or Notice of Allowance in due course.

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**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By   
Donald J. Daley, Reg. No. 34,313

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